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Attorneys for Defendant
INTEL CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

VLSI TECHNOLOGY, LLC,
Plaintiff,
v.
INTEL CORPORATION,
Defendant.

Case No. 5:17-cv-05671-BLF-NC

**DECLARATION OF MARK D. SELWYN IN
SUPPORT OF DEFENDANT INTEL
CORPORATION'S ADMINISTRATIVE
MOTION TO FILE DISCOVERY LETTER
BRIEF UNDER SEAL**

1 I, Mark D. Selwyn, do hereby declare as follows:

2 1. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP
3 (“WilmerHale”), counsel for Intel Corporation (“Intel”) in this case. I am licensed to practice law in
4 the State of California, the Commonwealth of Massachusetts, and the State of New York, and I am
5 admitted to practice before the U.S. District Court for the Northern District of California.

6 2. I am familiar with the facts set forth herein, and, if called as a witness, I could and
7 would testify competently to those facts under oath. I submit this declaration in support of Intel’s
8 Administrative Motion to File Parties’ Discovery Letter Brief Under Seal, pursuant to Civ. L.R. 7-11
9 and 79-5.

10 3. Intel has highlighted in yellow the portions of the discovery letter brief that it seeks to
11 seal.

12 4. Intel seeks to seal confidential financial terms of agreements with third parties and
13 information that could potentially reveal the financial terms from agreements between Intel and third
14 parties. The terms and conditions of Intel’s agreements with third parties are highly confidential to
15 Intel and the third parties that entered into agreements with Intel.

16 5. Intel seeks to seal VLSI’s discussion on page 5 of a monetary range VLSI
17 characterizes as relating to certain Intel agreements listed in a prior paragraph. Public disclosure of
18 information regarding the types of payment terms from Intel’s agreements could negatively affect
19 Intel’s future licenses and settlements and negotiations for such agreements. Competitors and
20 potential counterparties to licensing, acquisition, and settlement agreements would gain an unfair
21 insight into Intel’s business strategies and cost/benefit analyses. Using knowledge of the precise
22 substantive and financial terms of previously nonpublic agreements, competitors, and potential
23 counterparties would be able to calibrate their negotiation strategies with Intel using that unfair
24 advantage.

25 6. Intel also seeks to seal the names of certain third parties on pages 1-2 and 4-5 with
26 which Intel has agreements. Intel only seeks to seal the names of third parties where the existence of
27 Intel’s agreement with that third party is not publicly known. The names of the third parties with
28 which Intel has these agreements is maintained in confidence by Intel, and Intel is under

confidentiality obligations to the counterparties to those agreements not to reveal that information. Public disclosure of who Intel has licenses with could provide competitors and potential counterparties to licensing, acquisition, and settlement agreements with an unfair insight into Intel's business strategies. Moreover, public disclosure of those names in conjunction with public disclosure of the financial range Intel seeks to seal on page 5 could potentially provide competitors and potential counterparties to licensing, acquisition, and settlement agreements with information about the financial terms of those licenses.

7. Intel recognizes the general importance of public access to court documents and has endeavored to identify as confidential only those portions of the discovery letter brief that disclose the confidential financial terms of agreements or confidential information about third parties with which Intel has agreed to licenses. Intel is also not seeking to seal information about its patent license and settlement agreements, including financial terms of those agreements, where that information is already public.

8. For the foregoing reasons, Intel requests that the Court allow the portions of the discovery letter brief highlighted in yellow to be filed under seal.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on December 2, 2022.

/s/ Mark D. Selwyn
Mark D. Selwyn